

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

PFIZER INC.,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	No. 17-cv-04180
JOHNSON & JOHNSON and JANSSEN	:	
BIOTECH, INC.,	:	
Defendants.	:	

IN RE REMICADE ANTITRUST LITIGATION	:	CIVIL ACTION
This document relates to:	:	No. 17-cv-04326 (consolidated)
Indirect Purchaser Actions	:	

**STIPULATION AND [PROPOSED] ORDER TO EXTEND ALL DEADLINES IN THE
PRETRIAL SCHEDULE BY FIFTY-FIVE DAYS**

In light of the continuing and escalating public health crisis relating to the coronavirus (COVID-19) pandemic, the parties in the above-captioned matters stipulate and agree as follows:

WHEREAS on March 12, 2020, the Parties requested a four-week extension of all deadlines in the above-captioned matter, which the Court entered on March 16, 2020, thereby extending all deadlines set by this Court's Stipulated Order Setting Pretrial Schedule Pursuant to the Order Granting Plaintiffs' Motion to Amend the Pretrial Schedule to Extend the Deadlines by Four Months, dated October 2, 2019 (Case No. 17-cv-04180, Doc No. 102) by four weeks;

WHEREAS the purpose of the Parties' March 12 request was to enable the Parties to stay depositions until April 10, 2020 in light of governmental admonitions against travel, the Centers for Disease Control and Prevention (CDC) recommendations against group meetings, and witnesses' anxiety and discomfort with travel and in-person meetings;

WHEREAS since that time, a number of state and local governments, including the states of New York, California, Massachusetts, Connecticut, Delaware, Illinois, Michigan, New Jersey, and Ohio, and the cities of Philadelphia and Kansas City—locales where many attorneys and witnesses live and/or work—have ordered all persons to remain home and/or closed all non-essential businesses;¹

WHEREAS as agreed in the March 16 Stipulation and Order, the Parties met and conferred regarding their ability to restart depositions on April 10, 2020, and agreed that in light of the increased disruptions caused by the coronavirus outbreak, a further hold of depositions and commensurate extension of all case deadlines is appropriate;

The parties have therefore agreed:

(1) A fifty-five day stay (until June 4, 2020) on all depositions (party and third party) in this matter is appropriate;

(2) By April 25, 2020, the Parties will re-evaluate the feasibility of restarting depositions on June 4, 2020 and confer at that time in good faith as to whether any additional adjustments are needed, and if no agreement can be reached, the parties agree to consult the Court on an expedited basis;

¹ As of March 23, stay at home orders have been issued in Connecticut, Delaware, Illinois, Louisiana, Michigan, New Jersey, Ohio, among others. CNN, *These States Have Implemented Stay-at-Home Orders. Here's What that Means for You* (Mar. 23, 2020), <https://www.cnn.com/2020/03/23/us/coronavirus-which-states-stay-at-home-order-trnd/index.html>. Orders have also been put in place in various cities to direct that individuals stay at home and/or close non-essential businesses. See, e.g., Philadelphia, PA, Order No. 2, *Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of 2019 Novel Coronavirus (COVID-19)* (Mar. 22, 2020), <https://www.phila.gov/media/20200322130746/Order-2-Business-And-Congregation-Prohibition-Stay-At-Home.pdf>; Kansas City, MO, Second Amended Order 20-01 (effective Mar. 24, 2020), <https://www.kcmo.gov/home/showdocument?id=4065>.

(3) If the parties agree that no additional adjustments beyond June 4 are needed, the parties will work to reschedule all depositions (party and third party) currently set to take place on a date prior to June 4, for a new date after June 4, 2020;

(4) The deposition stay proposed herein will have no impact on document or other discovery, which should not be delayed;

(5) The parties reserve all rights to address any issues concerning the pretrial schedule that may be raised by Retailer Plaintiffs in the coordinated action *Walgreen Co. and The Kroger Co. v Johnson & Johnson and Janssen Biotech, Inc.* (18-cv-02357).

In consideration of the above, it is ORDERED that this Court's Order To Extend All Deadlines In The Pretrial Schedule By Four Weeks, dated March 16, 2020 (Case No. 17-cv-04180, Doc No. 145), is AMENDED so that all deadlines are further extended by fifty-five days, as set forth in Exhibit A appended hereto.

Dated: March 24, 2020

Respectfully submitted,

/s/ William F. Cavanaugh

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SO ORDERED BY THE COURT:

s/ J. Curtis Joyner

J. Curtis Joyner, J.

03/24/2020

Date

EXHIBIT A – REVISED PRETRIAL DEADLINES

<u>Event</u>	<u>Deadline Established by March 16, 2020 Order²</u>	<u>Revised Deadline</u>
Close of fact discovery	June 26, 2020	August 20, 2020
Plaintiffs shall identify and submit Curriculum Vitae for all expert witnesses on or before	June 26, 2020	August 20, 2020
Plaintiffs' Expert Reports (class and merits)	July 30, 2020	September 23, 2020
DPP and IPP Class Certification Motions	July 30, 2020	September 23, 2020
Defendants shall identify and submit Curriculum Vitae for all expert witnesses on or before	August 6, 2020	September 30, 2020
Defendants' Expert Reports (class and merits)	October 2, 2020	November 30, 2020
Defendants' Opposition to Motions for Class Certification including any motions challenging Plaintiffs' Expert(s) re class	October 2, 2020	November 30, 2020
Plaintiffs' Rebuttal Expert Reports (class and merits)	October 29, 2020	December 23, 2020
DPP and IPP Replies in Support of Class Certification, including oppositions to any motions challenging Plaintiffs' Expert(s) re class	October 29, 2020	December 23, 2020
Defendants' reply on any motion challenging Plaintiffs' Expert(s) re class	November 19, 2020	January 13, 2021

² Order to Extend all Deadlines in the Pretrial Schedule by Four Weeks, dated March 16, 2020 (Doc 145).

<u>Event</u>	<u>Deadline Established by March 16, 2020 Order²</u>	<u>Revised Deadline</u>
Close of Expert Discovery (all expert depositions to be completed)	November 19, 2020	January 13, 2021
Defendants' sur-reply on class certification (if sought and permitted)	November 27, 2020	January 21, 2021
Motions for summary judgment and <i>Daubert</i> motions	December 17, 2020	February 10, 2021
Responses to motions for summary judgment and <i>Daubert</i> motions	February 18, 2021	April 14, 2021
Replies in support of motions for summary judgment and <i>Daubert</i> motions	March 24, 2021	May 18, 2021
Pretrial conference regarding scheduling	At the earliest opportunity the Court has to meet with the parties after ruling on motions for summary judgment	At the earliest opportunity the Court has to meet with the parties after ruling on motions for summary judgment
Exchange of marked trial exhibits and court conference regarding trial and trial submissions	1 month after ruling on motions for summary judgment	1 month after ruling on motions for summary judgment
Joint Pretrial Memoranda in accordance with Local Rule Civil Procedure 16.1(c)	2 weeks after the above date	2 weeks after the above date
Plaintiffs' and Defendants' Pretrial Memoranda	1 week after above date	1 week after above date
Cases placed on Court's trial pool	2 weeks after above date	2 weeks after above date